

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JANE DOE,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	C.A. No. 19-cv-00100-WES-PAS
	:	
BROWN UNIVERSITY,	:	REDACTED VERSION
<i>Defendant.</i>	:	

DEFENDANT’S STATEMENT OF UNDISPUTED FACTS

Pursuant to DRI LR Cv 56(a), Defendant Brown University (the “University”) submits this Statement of Undisputed Facts in support of its Motion for Summary Judgment.

I. Overview of Acronyms Used Throughout the Statement of Facts and Attached Summary Judgment Record, and the Motion for Summary Judgment

1. Brown University is referred to as “Brown” or the “University,” and the Warren Alpert Medical School at Brown is referred to as the “Medical School” or “AMS.”

2. The Medical School’s Medical Committee on Academic Standing and Professionalism is referred to as the “MCASP,” or sometimes in the summary judgment record as the “Committee.” As explained more fully below, “[t]he MCASP is charged with the responsibility of reviewing the academic performance and professional behavior of all students in the medical school.” 2016-2017 Student Handbook (Ex. A) at 29; 2017-2018 Student Handbook (Ex. B) at 27; 2018-2019 Student Handbook (Ex. C) at 26.

3. As explained more fully below, one way that issues of professionalism can be documented and brought to the attention of the MCASP is through a brief reporting form called a Professionalism Report Form, which can be completed by individuals within the Medical School community such as staff, faculty, residents, students. A Professionalism Report Form is referred

to herein as a “PRF,” or sometimes in the summary judgment record as a “professionalism form” or simply as “a form.” Ex. B at 29-31.

4. One type of test that students must take at the Medical School is the so-called Objective Structured Clinical Examination, often referred to in the summary judgment record as an “OSCE.” Generally, during an OSCE exam, a medical student rotates through a series of stations with standardized patients – who are independent specialists trained to portray patient scenarios for the instruction and assessment of clinical skills – and performs a variety of clinical tasks within a specified time period, and is graded against standard criteria for competency. Students practice and are graded for OSCEs throughout their four years at the Medical School, and every student at the Medical School must take an OSCE exam at the start of their fourth year. Ex. B at 8-9, 13, 17, 19-21, 23; Ex. C at 8, 12, 16, 18, 21-22; Assessing Clinical Competence of Graduating Medical Students at [AMS], available at <http://www.rimed.org/medhealthri/2012-10/2012-10-328.pdf>. References to Plaintiff’s OSCEs, and in particular her fourth-year OSCE exam, appear seriatim in this statement of facts and in the summary judgment record.

II. Overview of the Parties and Doe’s Dismissal from the Medical School

5. Plaintiff Jane Doe attended Brown University as an undergraduate in its Program in Liberal Medical Education (PLME) starting in 2011. Doe attended the Medical School beginning in the Fall of 2015 upon completion of the undergraduate program. Compl. (Ex. D) at ¶ 2; Ans. (Ex. E) at ¶ 2.

6. Defendant Brown University is a non-profit corporation and institution of higher education that includes the Medical School. Ex. D at ¶ 2, 12; Ex. E at ¶ 2, 12.

7. On June 14, 2018, the Medical School's MCASP voted to dismiss Doe from the Medical School. After Doe appealed the decision, Dr. Jack Elias, the Dean of the Medical School, referred the matter back to the MCASP. On August 9, 2018, the MCASP voted a second time to dismiss Doe from the Medical School. After Dean Elias decided he wanted to meet with the MCASP before making his decision, the MCASP met a third time to discuss Doe's dismissal, and Dean Elias sustained the MCASP's vote to dismiss Doe from the Medical School on September 24, 2018. Ex. L at BU003361, BU006912-006913, BU006781, BU007056-BU007057, BU007073.

III. The AMS Student Handbooks and Policies

8. The 2016-2017, 2017-2018, and 2018-2019 editions of the AMS Student Handbook state in "**Section I: Introduction and Overview**," that "[t]he policies in this handbook represent an evolution of the practices" of the AMS "since its origin" in 1963, which

continue to evolve along with the medical education curriculum. Our intention is that they reflect our commitment to excellence and professionalism, for which we strive throughout our medical education program.

Ex. A at 2; Ex. B at 2; Ex. C at 2.

9. In a section titled "**Policies and Protocols on Academic Standing and Promotion**," the 2016-2017, 2017-2018, and 2018-2019 Student Handbooks provide:

... The MCASP is charged with the responsibility of reviewing the academic performance and professional behavior of all students in the medical school. On the basis of this review, the MCASP determines whether students are to be promoted, promoted with conditions, not promoted, placed on academic warning or probation, dismissed....

Students who are experiencing academic difficulty or issues with professionalism are reviewed by the MCASP when that difficulty has been identified.

Ex. A at 29; Ex. B at 27; Ex. C at 26.

10. The 2016-2017, 2017-2018, and 2018-2019 Student Handbooks, in a section titled **“Policies and Protocols on Academic Standing and Promotion,”** address the factors that the MCASP may consider in deciding whether a student advances in the AMS program and include a subsection addressing “Academic Standing” (*i.e.*, grades), and one addressing “Professionalism.” In response to reports of unprofessional conduct, the MCASP may, among other things, issue a Professionalism Warning or a Professionalism Citation, or dismiss the student from the AMS. *See* Ex. A at 29 (Academic Standing), at 31 (Professionalism); Ex. B at 27 (Academic Standing), at 29 (Professionalism); Ex. C at 26 (Academic Standing), at 28 (Professionalism).

11. The 2016-2017, 2017-2018, and 2018-2019 editions of the Student Handbook include a section titled **“Medical Student Standards of Behavior”** that provides in part:

Medical students acquire skills and knowledge not only for their own benefit but also for the benefit of another party – their patients. The duty to act in the best interest of the patient is the fundamental ethical principle of the medical profession. This duty dictates certain standards of professional behavior for medical students (and physicians) which include, but are not limited to, the following:

...

Professionalism. As future physicians responsible for the well-being of patients, medical students are held to very high standards of professional behavior. The professional behavior expected of medical students includes, but is not limited to, fulfilling all academic and extra-curricular commitments, responding to communications from AMS faculty and staff in a timely manner, [and] notifying the appropriate personnel about anticipated absences within a reasonable time frame[.]

...

Honesty. Cheating on examinations, falsifying applications or data on medical records, cutting and pasting another person’s notes into a patient chart, and other forms of intellectual dishonesty are wrong not only because such behavior violates intrinsic academic integrity, but also because such behavior may be deleterious to patients.

...

In cases where medical students have violated the above standards of behavior, the Medical Committee on Academic Standing and Professionalism (MCASP) will review pertinent information and follow the processes described in Section V [Policies and Protocols on Academic Standing and Promotion] to determine an appropriate course of action.

Ex. A at 34; Ex. B at 31-32, Ex. C at 31-32.

12. The 2016-2017, 2017-2018, and 2018-2019 editions of the Student Handbook provide that:

All students must possess the intellectual, physical, and emotional capabilities necessary to undertake the full curriculum and to achieve the levels of competence required by the faculty. A detailed description of the Technical Standards for Medical School Admissions, Continuation and Graduation are listed as Appendix A of this handbook.

....

Appendix A: Technical Standards for Medical School Admission, Continuation, and Graduation

...

[A]ll students must possess the intellectual physical and emotional capabilities necessary to undertake the full curriculum and to achieve the levels of competence required by the faculty.

The required abilities and characteristics for completion of the MD degree consist of certain minimum physical and cognitive abilities and sufficient mental and emotional stability to assure that candidates for admission, promotion and graduation are able to complete the entire course of study and participate fully in all aspects of medical training. In addition, students must demonstrate the ability to work as a member of a health care team. Medical education focuses largely on the care of patients, and differs markedly from postsecondary education in fields outside of health services.

....

The following abilities and characteristics are defined as technical standards, which, in conjunction with academic standards established by the faculty, are requirements for admission, promotion, and graduation.

Technical Standards for Medical School Admission:

A candidate for the MD degree must have abilities and skills in five varieties, including . . . behavioral and social

5. Behavioral and Social Attributes: A candidate must possess the emotional health required for full utilization of his or her intellectual abilities, the exercise of good judgment, the prompt completion of all responsibilities attendant to diagnosis and care of patients, and the development of mature, sensitive, and effective relationships with patients. Candidates must be able to tolerate physically taxing workloads and to function effectively under stress. They must be able to adapt to changing environments, to display flexibility, and to learn to function in the face of uncertainties inherent in the clinical problems of many patients. Compassion, integrity, concern for others, interpersonal skills, interest, and motivation are all personal qualities that are assessed during the admission and education processes.

Ex. A at 3, 77-78; Ex. B at 3, 75-76; Ex. C at 2-3, 70-71.

13. The 2017-2018 Student Handbook provides:

Professionalism

In general, the committee will adhere to the following guidelines for decisions related to issues of professionalism:

Issues of professionalism can be documented in several ways: a brief reporting form (the “Professionalism Report Form”) that can be completed by individuals within the community (e.g., staff, faculty, residents, students); through an OASIS evaluation for clinical rotations in which questions regarding professionalism note an issue; or through another evaluation that indicates unprofessional behavior (e.g., Doctoring evaluation by a community mentor).

...

Two or more reports of unprofessional behavior will be considered a pattern and will be brought to the attention of the Assistant Dean for Student Affairs and to the MCASP. ...

Ex B at 29-31. The MCASP agenda for the November 9, 2017 meeting included a copy of this section of the Student Handbook. Ex. L at BU006810-BU006811.

14. The 2017-2018 and 2018-2019 editions of the Student Handbook provide:

Professionalism

In general, the committee will adhere to the following guidelines for decisions

related to issues of professionalism:

...

Two or more reports of unprofessional behavior will be considered a pattern and will be brought to the attention of the Assistant Dean for Student Affairs and to the MCASP. The student in question will be alerted when their behavior is discussed at the MSCAP, and may be asked to meet with the Assistant Dean prior to that MCASP meeting.

The MCASP will determine if the pattern of behavior warrants a “Professionalism Warning.” ...

...

In certain circumstances, when the behavior in question is considered egregious in nature, either the MCASP or the Assistant Dean for Student Affairs, in discussion with the Associate Dean for Medical Education, may decide to bypass the Warning stage and issue a Professionalism Citation. Per AAMC guidelines, the Citation will be included as part of the student’s MSPE.

If a student who has received a Professionalism Warning receives an additional Professionalism Report, that student will be considered by the MCASP for a Professionalism Citation that per AAMC guidelines will be included as part of the student’s MSPE.

If a behavior is particularly egregious, or if a student has received a Professionalism Citation and subsequently has another instance of unprofessional behavior [. . .]¹ the student will be considered by the MCASP for dismissal.

Ex. B at 29-31; Ex. C at 28-30.

15. The 2017-2018 and 2018-2019 editions of the Student Handbook contain substantially similar provisions regarding appeals of an MCASP decision to dismiss the student. Those provisions are quoted below, but note that the language in brackets below is not found in the 2017-2018 Student Handbook, but is found (without brackets) in the 2018-2019 Student Handbook:

Appeal of Decision to Dismiss

¹ 2018-2019 Student Handbook (Ex. C) has additional language that states “via a Report Form,” because the manner for reporting a professionalism issue was revised in that edition.

- The student may initiate an appeal of an MCASP decision to dismiss by filing a letter, within 72 hours of [receiving written] notification of the Committee's decision, to the Dean of Medicine and Biological Sciences, requesting reconsideration of the decision. Note: MCASP decisions to place students on Academic Warning or Academic Probation may not be appealed. The letter should include a statement of the basis for the request and any documents in support of the student's request. The Dean may[, at their discretion, meet with the student regarding the appeal, and either] (1) reconsider the matter, (2) direct the matter to the MCASP for reconsideration and issuance of a second recommendation to the Dean, or (3) sustain the decision of the MCASP.
- If the matter is referred back to the MCASP, the MCASP will review the appeal and transmit its recommendations to the Dean. The Dean will, either through reconsideration or through reconsideration and recommendation by the MCASP, review the appeal in a manner they determine is appropriate under the circumstances. Upon appeal, the Dean may then sustain, modify, or reverse the original MCASP decision. The decision of the Dean is final.

Ex. B at 31; Ex. C at 30.

16. The 2016-2017, 2017-2018, and 2018-2019 editions of the Student Handbook include a section titled "**Attendance Policy**" requiring advance notice for an absence from a scheduled event, but that "[i]n the case of illness, an absence will be approved retroactively with appropriate documentation." Ex. A at 23; Ex. B at 22; Ex. C at 20.

17. The portion of the Discrimination and Harassment Policy that Doe asserts Brown breached provides in relevant part:

I. POLICY

Brown University's mission to serve the community, the nation, and the world by discovering, communicating, and preserving knowledge and understanding in a spirit of free inquiry, and by educating and preparing students to discharge the offices of life with usefulness and reputation" makes it incumbent on the university to create and maintain an educational, working, and living environment that is free from any form of unlawful discrimination and harassment. Unlawful discrimination and harassment cannot be tolerated in a community aspiring to achieve this mission.

Definition of Unlawful Discrimination

Unlawful discrimination is defined by federal and/or state statutes (see Appendix A) to include unfavorable or unfair treatment of a person or class of persons because of race, color, religion, sex, national origin, age, disability, veteran status,

sexual orientation, gender identity, and gender expression.

Definition of Unlawful Harassment

Unlawful harassment is harassment that refers to or is based upon the protected status of the person or persons being harassed, as defined by relevant federal and/or state statutes (see Appendix A). Unlawful harassment in the work and educational environment is created if conduct of another person is sufficiently serious that it interferes with an employee's ability to perform their job or denies or limits a student's ability to participate in or benefit from the University's programs and thus creates a hostile work or learning environment.

Ex. R at 2.

18. The relevant appendix to the Discrimination and Harassment Policy provides:

Appendix A: Federal and State Laws

In addition to the policy statements set forth in Appendix A(sic), which reflect the University's commitment to creating and maintaining an educational, working, and living environment that is free of any unlawful discrimination, Brown University recognizes its legal obligations to pursue that same goal under applicable Federal and State statutes, which include:

- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Equal Pay Act of 1963
- Vietnam Era Veteran's Readjustment Assistance Act of 1974
- Age Discrimination in Employment Act of 1967
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972
- The Rehabilitation Act of 1973
- The Americans with Disabilities Act
- The Older Workers' Benefit Protection Act.

Ex. R at 11.

IV. Facts Relevant To Summary Judgment In Chronological Order

19. On September 23, 2015, during her first year of medical school, Doe received the following feedback concerning professionalism on an evaluation form: [REDACTED]

[REDACTED].” Ex. L at BU001456; BU004873.

20. On November 23, 2015, during her first year of medical school, Doe received the following feedback concerning professionalism on an evaluation form: “[REDACTED] [REDACTED].” Ex. L at BU001456; BU4858.

21. On December 2, 2015, Doe received an evaluation for Doctoring I by the Small Group Leader that her professionalism “requires remediation,” and noted that Doe should work to improve her professionalism as follows: “[REDACTED] [REDACTED] [REDACTED].” Ex. L at BU001456; BU006805-BU006806.

22. On January 21, 2016, Doe was presented to the MCASP as a 1st year student who [REDACTED] [REDACTED]. Ex. L at BU5302 to BU5303; BU005321 to BU005327.

23. On October 27, 2016, during her second year of medical school, Doe received the following feedback concerning professionalism in an evaluation form for Doctoring III:

[REDACTED]

[REDACTED]

We have some professionalism concerns. You struggled with the case write-up. You have made a lot of progress on your professional appearance over the past several weeks, but the SP still had some concerns during your OSCE.

Your tardiness to our meeting today was an example of our professionalism concerns.

....

[REDACTED]

[REDACTED]

[REDACTED]?

[REDACTED].

Ex. L at BU001457; BU006807-6808.

24. On December 8, 2016, Doe received feedback regarding an OSCE test for
“[REDACTED].

Ex. L at BU005470.

25. [REDACTED]
[REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. L at BU001664-BU001665.

26. On January 26, 2017, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU005236-

BU005241; BU005259- BU005263; BU006782.

27. On January 30, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU001664.

28. On February 9, 2017, [REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU001457; BU004856.

29. On February 2, 2017, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at

BU001602.

30. On February 12, 2017, [REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU001457; BU004872.

31. On June 15, 2017, [REDACTED]

[REDACTED]. Ex. L at BU005137-BU005145;

BU005176-BU005183; BU006783.

32. On July 13, 2017, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU001472.

33. On September 5, 2017, [REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

Ex. L at BU001457; BU004861-BU004863.

34. On September 8, 2017, [REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU001458; BU004869.

35. On November 1, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

Ex. L at BU006794.

36. On November 1, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

Ex. L at BU003116.

37. On November 1, 2017, [REDACTED]

[REDACTED]

[REDACTED]” Ex. L at BU003107.

38. On November 3, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]” Ex. L at BU005802-
BU005805.

39. On November 8, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

a. [REDACTED];

b. [REDACTED];

c. [REDACTED];

d. [REDACTED];

e. [REDACTED];

f. [REDACTED];

g. [REDACTED];

h. [REDACTED].

Ex. L at BU001395-BU001440.

40. On November 8, 2017, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]” Ex. L at BU006476-006479.

41. On November 8, 2017, Dean White met with Doe regarding professionalism and the November 1, 2017 PRF form filled out by Dr. Vrees regarding Doe, [REDACTED]

[REDACTED]

[REDACTED]” Ex. L

at BU006476-BU006480.

42. On November 9, 2017, the MCASP met and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]” and

ultimately voted to issue the Professionalism Warning. [REDACTED]

[REDACTED]

[REDACTED].”

Ex. L at BU006811-BU006812; BU006816-BU006818.

43. On November 9, 2017, [REDACTED]:

[REDACTED]

Ex. L at BU006206.

44. On November 14, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED],

[REDACTED]

[REDACTED]

1) [REDACTED]

2) [REDACTED]

3) [REDACTED]

4) [REDACTED]

[REDACTED]

Ex. L at BU002611-BU002612.

45. On November 22, 2017, Dean Tunkel sent a letter to Doe stating that the MCASP decided to issue a Professionalism Warning to Doe at its meeting on November 9, 2017, [REDACTED]

[REDACTED]

[REDACTED]:

a. [REDACTED];

b. [REDACTED];

c. [REDACTED];

d. [REDACTED];

e. [REDACTED].

Ex. L at BU003221.

46. The November 22, 2017, letter from Dean Tunkel instructed Doe to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU003221.

47. In an evaluation dated December 1, 2017, which referenced a Pediatrics Clerkship Student Performance Evaluation for the period between 9/11/2017 to 10/20/2017, [REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

Ex. L at BU000245.

48. On January 4, 2018, after receiving a draft letter to the MCASP from Doe, Dean White wrote an email to Doe that stated in part, “What is your schedule like next week so that we can meet?” Ex. L at BU006159.

49. On January 8, 2018, Dean White followed up on her January 4, 2018 email with another email that provided feedback to Doe with specific details regarding [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]” Ex. L at BU006157.

50. On January 15, 2018, Dean White responded to Doe’s email by proposing meeting times on three separate dates before the next MCASP meeting on January 25, 2019. Ex. L at BU006157. On January 21, 2018, Dean White sent the following email to Doe that stated in part:

Just checking in again because I haven’t heard back from you – I am not sure that we’ll be able to meet before Thursday at this point, but please let me know your availability just in case. I’ll also need the final version of your letter for the committee by Wednesday so that we can include it in the packet for the meeting.

Ex. L at BU006156.

51. On January 23, 2018, Doe wrote an email to Dean White that stated: “I apologize for my delayed response. [REDACTED]

[REDACTED]. I will absolutely send you my letter by tomorrow morning. Thanks for everything!” Ex. L at BU006156. Dean White responded to Doe by e-mail stating, “Ok, [Doe]. I am sorry we weren’t able to meet. Please send your letter to both me and Eileen.” Ex. L at BU006156.

52. On January 24, 2018, the statement that Doe wrote was submitted to the MCASP for review. On the same day, Doe received a separate PRF [REDACTED]

[REDACTED].

Attached to that PRF were two strings of emails between Doe and personnel affiliated with the

² As noted above, Doe took Doctoring in her first year of medical school, and OB during her third year of medical school.

AMS, including Jordan Grimes, AMSA, Medical Services, Providence VA Medical Center. The first string was exchanged between December 11, 2017, and January 10, 2018. On December 11, 2017, Mr. Grimes emailed Doe to “[REDACTED]” [REDACTED], but Doe [REDACTED] [REDACTED], Mr. Grimes on January 3, 2018, again asked Doe to “[REDACTED]” [REDACTED], prompting him to again email on January 9, 2018 to “[REDACTED]” Doe again attempted to [REDACTED], forcing Mr. Grimes to again ask her to “[REDACTED]” [REDACTED]. The second email string, titled “URGENT: TMS Modules,” was exchanged between January 9 and 25, 2018. On January 9, Mr. Grimes emailed Doe (and at least one other AMS student), stating that [REDACTED] [REDACTED] [REDACTED]” Mr. Grimes emailed again on January 10, sending the [REDACTED] [REDACTED]. Despite asking that [REDACTED] [REDACTED] [REDACTED].” Doe [REDACTED] on January 24, 2018. Ex. L at BU006835-BU006836; BU006848-BU006853; BU7033-BU007038. [REDACTED] [REDACTED]. Ex. L at BU002490-BU002493; BU003084.

53. The letter that Doe submitted for the January 25, 2018 MCASP meeting stated in part:

[REDACTED]

[REDACTED]

Ex. L at BU006834-BU006835.

54. With regard to Doe's statement in her letter to the MCASP for its January 25, 2018 meeting [REDACTED]

[REDACTED],” Ex. L at BU006834, the following is undisputed:

- a. [REDACTED].
- b. [REDACTED].
- c. [REDACTED]. (Ex. F at 27:2-28:2); (Ex. G at 10:6-21).

55. On January 25, 2018, the MCASP met and reviewed Doe's letter and conduct. [REDACTED]

[REDACTED]

[REDACTED] Ex. L at BU006835-BU006836; BU006848-BU006853.

56. On February 1, 2018, Dean Tunkel sent a letter to Doe [REDACTED]

[REDACTED]
[REDACTED] Ex. L at

BU006841.

57. On February 3, 2018, Dean White emailed Doe the following:

Hi [Doe] –

Unfortunately my schedule is pretty packed so I am hoping that one of these times will work for you. If not, let me know – I can try to move some things around so that we can meet before the 15th.

Monday 2/5 at 3pm
Wednesday 2/7 at 3pm
Wednesday 2/14 at 530pm

Thanks,
JW

Ex. L at BU006123.

58. On February 8, 2018, Dean White emailed Doe the following:

Hi [Doe] –

I am disappointed that I haven't heard from you – we need to meet to discuss the professionalism form regarding your trainings at the VA, and also to prepare for your appearance at MCASP on Thursday. Two of the times I sent you have passed, and it is going to be tricky to make the third time work as it has now been filled by another meeting.

Can you help me understand why you haven't set up a time to meet? I really want to continue to support you, but it's hard to do so if we can't meet in person to talk things through in a timely fashion.

Most importantly, I hope everything is going ok – please let me know if you need anything. Please also let me know your thoughts about meeting.

Thanks,
JW

Ex. L at BU006122-BU006123.

59. Doe responded to the e-mail in the paragraph above, and on February 14, 2018, Dean White met with Doe regarding the upcoming MCASP meeting and to provide feedback related to missing deadlines to complete required information for a clerkship that led to the PRF described above in Statement of Facts ¶ 52. Ex. L at BU006121-BU006123; BU006879.

60. At an MCASP meeting on February 15, 2018, which Doe attended, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. Ex. L at BU006843-BU006883;
BU006889-BU006893.

61. On February 20, 2018, Dean Tunkel wrote to Doe, [REDACTED]
[REDACTED]. Ex. L at
BU006842.

62. On February 27, 2018, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]:

[REDACTED]

Ex. L at BU000238.

63.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU002399-BU002400; BU002466- BU002469; BU006377-BU006380.

64.

On or around February 19, 2018, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006105-BU006106;

BU006376.

65. On March 9, 2018, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. L at BU000158-BU000160.

66. On March 12, 2018, Doe received a PRF for the unprofessional behavior described in the preceding paragraph above. Ex. L at BU006908-BU006909.

67. [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU000165.

68. [REDACTED]

[REDACTED]

[REDACTED]. Ex. L at

BU000249.

69. On March 15, 2018, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at

BU004116-BU004120; BU006885-BU006910.

70. The minutes for the March 15, 2018 MCASP meeting [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

Ex. L at BU004119.

71. On March 19, 2018, Dean Tunkel wrote to Doe, [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED] Ex. L at BU006884.

72. On March 26, 2018, [REDACTED]
[REDACTED] Ex. L at BU005733.

73. The University suggested to Doe as early as February/March 2018, that Doe should take time off from medical school. As noted below, however, it was not until May 17, 2018 that Doe indicated a willingness to take time off, at which time she indicated that taking a year off “could be the right thing for me.” Doe ultimately decided to take time off starting in October or November 2018, despite Dean White’s concern, which she discussed with Doe, that “November is far away, and that [she was] worried that if [Doe] does not take care of all the things[sic] that are causing her trouble, she will continue to get in trouble.” Ex. F at 64:1-7, 147:8-149:1; Ex. L at BU003007; BU006110; BU006752-BU006755.

74. Doe’s last clerkship rotation for her third year at the AMS ended on April 20, 2018. After April 20, 2018, Doe did not take any Medical School classes from April 21 to June 21, 2018. She was scheduled to take the fourth-year OSCE exam on June 5, 2018, and the Step 1 exam on June 21, 2018. Between April 20, 2018 and June 21, 2018, Doe’s primary responsibilities at the Medical School consisted of preparing for and taking the fourth-year OSCE exam and the Step 1 exam. Ex. L at BU005504; BU006048; BU006975.

75. On April 26, 2018, [REDACTED]
[REDACTED]
[REDACTED] Ex. L at BU000933.

76. On May 1, 2018, Doe [REDACTED]

[REDACTED]. The purpose of [REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006040; BU006790.

77. [REDACTED]

[REDACTED]. Ex. L at BU006340; BU006343.

78. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006973-BU006974.

79. On May 3, 2018, Doe received a PRF for [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

Ex. L at BU006790.

80. As of May 16, 2018, 11:18 a.m., Doe had decided not to take a year off before completing her fourth year of medical school. Ex. L at BU003006.

81. Doe testified that she first requested an accommodation from Brown, in the form of taking a year off from school, on May 17, 2018, although Doe also admitted that Dean White had previously suggested, starting in February/March 2018, that Doe take a year off starting immediately. Ex. F at 64:1-7, 147:8-149:1; Ex. L at BU006110; BU006752.

82. On May 17, 2018, Doe indicated taking a year off “[REDACTED]” She met with Alex Morang and, during that meeting, Doe and Ms. Morang “discussed different options,” and Doe decided to take time off starting in October or November 2018. Ex. F at 70:22-72:2; Ex. L at BU003007, *see also* Ex. F at 152:6-155:2 (describing meeting with Ms. Morang, during which Ms. Morang “told me, you know, what my options were”).

83. Doe testified that Brown never denied her an accommodation:

Q. I want to know if she [*i.e.*, Doe] ever, throughout her career at the medical school, sought something and did not receive it from the medical school.

A. To the best of my recollection, I didn’t, no.

Ex. F at 56:15-20.

84. Doe gave the following testimony at her deposition: Ex. F at 89:1-22 (“And also just the fact that when – when the diagnosis came through, I was still dismissed. Nothing was relooked at. No one went back and said, oh, my gosh, this – this explains it. This is something that, you know, she didn’t even know about and – and it’s tied to everything that we have been crucifying her for. They didn’t do that.”); Ex. F at 190:7-191:14 (after disclosing her [REDACTED] diagnosis to Brown, “[t]he thing that they were punishing – not punishing me, giving me professionalism warnings for could be explained by that when they saw that pattern. ... This was relayed back to Brown and instead of saying, okay, you were right, this is what caused this, that explains it, we should get her help, they kept the very – they didn’t take away any of the professionalism warnings, any of them”).

85. Doe also testified at her deposition that, despite Dean White suggesting in February/March 2018 that Doe take a year off, Doe rejected that suggestion and, when she ultimately requested an accommodation in May 2018, asked to take a year off beginning in

October or November 2018. Doe testified that her choice to postpone taking a year off until October or November 2018 was based on conversations with family members, re-reading Dr. DiCarlo's report, and her personal desire to remain in the AMS program until that time so that she could [REDACTED]. Doe testified:

Q. At some point, Jordan White recommended that you consider taking a year off, correct?

A. Correct.

Q. What do you recall her saying to you in that regard?

A. ... To the best of my recollection, she said "Have you ever thought about taking a year off?" I said "No."

And she said, "Do you think that might be something that could be good for you? I think it might be a good idea given the things that are going on with the board and going on with you."

And I said, you know, I – I said I didn't think about it. I wanted to match up [REDACTED] and my friends and that was it.

Q. Okay. Now, once you decided that you wanted to pursue that, you indicated that you wanted to take the year beginning in – I believe it was October or November, correct?

A. Correct.

Q. Okay. What caused you wanting to start the leave in October or November?

A. I had met with Alex Morang, who is a career adviser, and at that point in time I was still considering – I still wanted to do not only what was best for my [REDACTED] but also for my career, and given the timing, because most people who are taking a year off had made that decision prior to this.

Of course it was planned out so they [*i.e.*, "most people"] had set things in place to make sure that during that year off they stayed productive and, you know, it wasn't ruining their chance of getting into a residency or, you know, making their resume look like they just took a break.

So speaking with her, because it was so late, we discussed different options and she said some people do that so that way I can finish getting some of the ones out of the way, my rotations, and then I would have time to plan a research or something that would keep me busy and still keep my foot in the medical, you know, educational community, and then I would start again the following spring.

Q. And you decided that you thought that was the right path for you at that point; is that fair to say?

A. After the ... discussion with Alex Morang, that seemed like the best option for me in terms of taking the time I needed but also not just abruptly stopping my medical career without really knowing what to do.

Q. Okay, and you made that request known to Dean White, correct?

A. I believe so.

Q. Okay. That that was your request that you take the year but that it begin in October or November, correct?

A. Correct.

Ex. F at 70:3-72:17; *see also* Ex. F at 63:9-64:20.

86. Doe further testified that, while she eventually came to believe she should take time off starting immediately, she only considered that accommodation after the MCASP voted to dismiss her and she appealed her dismissal:

Q. Now, did that ever change, the timing of your leave? Did you ever submit a request for leaving at a different time, different than taking it from October or November [of 2018] through that year? Did you ever change the timing of the request?

A. To the best of my knowledge, I didn't officially change the timing of my request. You know, I believe that once I appealed to the board and kind of realized that, you know, they – they didn't want me there for those last three months or whatever, I was willing to take my leave starting right away but I don't recall formally requesting a change.

Ex. F at 72:18-73:7. As noted below, while Doe did not recall formally requesting to take time off starting immediately, she did submit such a formal request, but not until July 17, 2018. Ex. N.

87. Doe admitted at her deposition that Brown never denied her any testing accommodation in connection with the medical boards exam because she never requested one.

Ex. F at 60:11-61:16 (confirming Doe never requested a testing accommodation).

88. Doe did ask Brown for an extension of time to take her medical boards, but that test is not administered by Brown, and instead is administered by the U.S. Medical Licensing Examination Board (“USMLE Board”), and while Brown offered Doe assistance in requesting an accommodation for the boards, it is the USMLE Board that, had Doe submitted an accommodation request, would have decided whether to grant the requested accommodation. Ex. F at 60:2-61:16 (Doe did not request a testing accommodation; no one at Brown suggested she could not have such an accommodation); Ex. F at 140:16-142:21 (Brown provided Doe with the information needed to request accommodations from the USMLE Board).

89. Doe was scheduled for her fourth-year OSCE exam on June 5, 2018. Ex. L at BU002385. On that day, at 1:33 p.m., Jared DiChiara, CSC IT Admin, AMS, sent an email to Doe that stated “We have you scheduled to take your 4th year OSCE today at 1:30 p.m. I just want to make sure everything is okay. Please reach out to us at your earliest convenience.” Doe responded by email sent at 1:47 p.m. that day, stating in part:

Hi,

I am so incredibly sorry – I



Ex. L at BU002385.

90. Dr. Rougas, MD, MS FACEP, Director, Doctoring Program at AMS, and Assistant Professor of Emergency Medicine, who was overseeing the OSCE, responded to Doe’s email, quoted in the preceding paragraph above, by email sent at 2:06 p.m. on June 5, 2018, stating in part:

[REDACTED]

[REDACTED]

[REDACTED].

Doe responded by email sent at 2:12 p.m., stating:

[REDACTED]

Mr. DiChiara of Brown then confirmed by email that Doe could take her fourth-year OSCE exam that Thursday, June 7, 2018, as Doe requested. Ex. L at BU005454.

91. Doe did not go to the [REDACTED] on June 4, 2018 – the day before her fourth-year OSCE exam – or go to the University’s Health Services [REDACTED] as she had e-mailed Dr. Rougas. Instead, she went to Health Services on June 4, 2018 [REDACTED] [REDACTED] and never went to a [REDACTED]. Ex. F at 208:18-24; [Brown Medical Records (Ex. J at 1)]. According to Doe’s notes regarding a meeting she had with Dean Elias and another dean on September 6, 2018, she “thought of it [sic] because [REDACTED] [REDACTED].” [Doe’s document production (Ex. K at 2-3)].

92. On June 7, 2018, [REDACTED]
[REDACTED]:
[REDACTED],

[REDACTED]

[REDACTED]

Ex. J at 5.

93. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU002385.

94. [REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006791-BU006793.

95. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU006792.

96. As of June 7, 2018, Dr. Rougas had not received any documentation from Doe regarding [REDACTED], so on June 7, 2018, at 9:29 a.m., Dr. Rougas wrote an email to Doe that stated in part: “[REDACTED]

[REDACTED]

[REDACTED].” In response, after Doe had taken her

fourth-year OSCE exam earlier in the day on June 7, 2018, Doe responded with an email to Dr. Rougas on June 7, 2018 at 9:48 p.m. that stated in part:

[REDACTED]

[REDACTED].

Ex. L at BU005437; BU006792.

97. On June 8, 2018, around 10:30 a.m., Doe and Dr. Rougas spoke by phone. Doe told Dr. Rougas that she had [REDACTED], as she had told Dr. Rougas, but rather [REDACTED]. She told Dr. Rougas that [REDACTED]. She stated to Dr. Rougas that [REDACTED].” She further stated that [REDACTED]. Doe told Dr. Rougas that [REDACTED]. Doe did not explicitly apologize to Dr. Rougas for lying or not contacting the Medical School when she knew she would be absent from her fourth-year OSCE exam. Ex. L at BU006793.

98. Regarding Doe’s statement to Dr. Rougas on June 8, 2018, that she “[REDACTED]” before the OSCE exam, the statement is not true, as she [REDACTED], the day before the OSCE exam, Ex. F at 209:1-8, and she “[REDACTED].” Ex. F at 86:1-5.

99. Regarding Doe’s statement to Dr. Rougas on June 8, 2018 that she [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

100. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. I at 78; Ex. L at BU005437; BU006792.

101. [REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED].

Ex. I at 77.

102. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. J; Ex. F at 208:19-24.

103. On June 8, 2018, Doe wrote an email to Dean White that stated in part:

[REDACTED]

Ex. L at BU006017.

104. On June 12, 2018, Doe received a PRF for missing her fourth-year OSCE exam. Dr. Rougas included with this PRF a two-page narrative, including emails he received from Doe. In that PRF, Dr. Rougas noted that Doe had missed her OSCE exam, claimed she went to Health Services and a [REDACTED] promised to provide notes from Health Services and from a [REDACTED], and provided a note from Health Services. He further noted that, after receiving no [REDACTED] note for two days after Doe promised she would provide one, Dr. Rougas again asked Doe to provide it, she responded by asking if they could speak and, when they did speak by phone the following morning, Dr. Rougas stated in the PRF:

[REDACTED]

[REDACTED]

Ex. L at BU006791-BU006793.

105. On June 12, 2018, Doe wrote an email to Alex Morang that stated in part:

Hi Alex:

[REDACTED]

[REDACTED]

Ex. P.

106. On June 12, 2018, [REDACTED]

[REDACTED]:

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

[REDACTED]

[REDACTED]

e. [REDACTED]

Ex. L at BU006943-BU006945.

107. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. G at 11:13-24, 31:5-19; Ex. F at 208:7-18.

[REDACTED]:

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

[REDACTED]

Ex. K at 1.

i. [REDACTED]

ii. [REDACTED]

iii. [REDACTED]

iv. [REDACTED]

b. [REDACTED]:

i. [REDACTED]

ii. [REDACTED]

Ex. I at 78.

iii. [REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. K at 1.

iv.

[REDACTED]

[REDACTED]

– followed by –

“Yo any chance you can drive me to the train station at 5:30 if it’s still raining at that time? . . . if not I can walk.”

Later, during the evening of June 5, 2018, at approximately 10:21 p.m., Doe texted [REDACTED], asking “U up,” and later, “How is the internet?”³

Ex. S at 7-9.

v.

[REDACTED]

³ The day before, on June 4, 2018, Doe texted [REDACTED] in part, “[REDACTED] . . .” Ex. S at 7.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. L at BU000512

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

f. [REDACTED]

g. [REDACTED]

110. On June 13, 2018, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. L at BU005436.

111. On June 14, 2018, the MCASP voted to dismiss Doe. Ex. L at BU006912-
BU006913; BU006947-BU006951. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] :

[REDACTED]

Ex. L at BU007019-BU007024.

112. On June 14, 2018, Doe wrote an email to Dean White, that stated:

Hi Jordan,

[REDACTED]

[Doe]

Ex. L at BU005985.

113. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ex. I at 55.

114. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].”

Ex. L at BU005802-BU005805.

115. On June 19, 2018, Dean Tunkel sent Doe a letter formally notifying her that the MCASP had voted to dismiss her from the AMS. Ex. L at BU006912-BU006913.

116. On June 22, 2018, Doe appealed her dismissal to Dean Jack Elias with documents that included an appeal letter and additional documentation. Ex. L at BU006948-BU006950; BU006958-BU007014.

117. On June 27, 2018, Dean Elias notified Doe [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006781; Ex. H at 60:10-61:24.

118. On July 10, 2018, [REDACTED]

[REDACTED]. Ex. L at BU006784.

119. On July 10, 2018, Doe stated, regarding requesting a leave of absence, that she would “get the LOA request form completed by the end of today.” Ex. L at BU005499.

120. On July 17, 2018, Doe for the first time formally requested to take time off from the AMS starting immediately with the submission of a LOA request form. Ex. N.

121. On August 9, 2018, Doe and her advocate, Dr. Peter Weiss,⁴ attended and spoke at the MCASP meeting to reconsider its dismissal decision [REDACTED]

[REDACTED]:

- a. [REDACTED]⁵
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]

⁴ Dr. Weiss is [REDACTED].

⁵ At her deposition, Doe testified that she believes a “white lie” is “[s]omething that is told without the intent of harm,” and as “[i]nsignificant.” Ex. F at 227:16-229:2.

After Doe left the meeting, the MCASP discussed the issue:

h.

[REDACTED]

i.

[REDACTED]

j.

[REDACTED]

k.

[REDACTED]

Ex. L at BU007058-BU007060.

122.

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU007060.

123. As related to Doe’s statements at MCASP’s August 9, 2018 meeting,

[REDACTED]

[REDACTED]:

a.

[REDACTED]

b.

[REDACTED]:

[REDACTED]

[REDACTED]

c. [REDACTED]

d. [REDACTED]

e. [REDACTED]

124. [REDACTED]

[REDACTED]

125. On August 10, 2018, [REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU001870-BU001875.

126. [REDACTED]

[REDACTED]

127. [REDACTED]

[REDACTED]. Ex. L at BU002161-BU002165.

128. [REDACTED]

[REDACTED]

[REDACTED].”

Ex. K at 2-4.

129. [REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU003361.

130. On September 20, 2018, the MCASP met for a special meeting with Dean Elias [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU003361;

BU007075.

131. On September 24, 2018, Dean Elias wrote to Doe informing her that he had sustained the MCASP's dismissal decision.

V. Additional Facts Regarding Doe's Voluntary Disclosures Of Her Mental Health Condition

132. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU006793.

133. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU006942-BU006943.

134. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at BU006972.

135. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]:

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

136. [REDACTED]

[REDACTED]. Ex. G at

14:10-23.

137. [REDACTED]

[REDACTED]. Ex. G at 42:1 to

43:16.

138. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. G at 48:12-49:10.

VI. Additional Facts Regarding Doe’s Intentional Infliction of Emotional Distress Claim

139. On June 14, 2018, Dean White had a discussion with Doe regarding [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Ex. L at BU006756.

140. At her deposition, Doe testified to a further alleged incident of intentional infliction of emotional distress, claiming that during her surgery rotation, another student told her that, while Doe was in the restroom, the “[REDACTED]

[REDACTED]” Ex. F at 79:8-80:5.

141. Doe has not provided any medically established symptomatology of her distress beyond the distress she was already experiencing as a result of her mental health condition.

VII. Additional Facts Regarding Doe’s Dishonesty

142. [REDACTED]

[REDACTED].” Ex. I at 4.

143. [REDACTED]

[REDACTED]

[REDACTED]:

[REDACTED]

[REDACTED].

144. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].” Ex. L at

BU005806-BU005811.

145. When asked at deposition whether she on occasion would “go to those didactic sessions very late as in the last five or 10 minutes and sign the attendance sheet as though you had been there,” Doe admitted that she “probably had done that a couple of times[.]” Ex. F at 81:17-23.

146. [REDACTED]

[REDACTED]

[REDACTED]

Ex. I at 39.

147. [REDACTED]

[REDACTED]:

[REDACTED].

Ex. I at 52, 55, 56.

148. In or around August 2020, Doe sent a cover letter to a potential employer that stated in part: "I quickly realized I had a knack for identifying limitations within hospital networks and initiating strategies to correct them. So much so, in fact, that I put a hold on my medical training after my third year to explore the policymaking side of health side of health care[sic] as [REDACTED]." Ex. F at 50:23-52:8; Ex. M.

149. Doe's resume to potential employers after she was dismissed from medical school stated, "Alpert Medical School, Providence, RI, Expected Graduation: May 2024." Ex. K at 5-6; Ex. F at 47:6 to 48:15.

150. Regarding the importance of honesty for students in medical school, Dean Elias testified at his deposition in this case as follows:

[S]he admitted that she missed the OSCE exam, and that she blatantly lied. I mean, let's get real here. This is a medical student, and medical students know when there are exams that they have to pass to be able to get through medical school. This is not a new concept. This is not something that is in any way surprising to someone who is going to medical school. It wasn't surprising when you went to law school. It's a very standard kind of a thing.

So, to be lying about that puts you in a situation where you're really surprised by the willingness to go out and say something that's not true. But, you know, if you look through the other documents, there are times where -- I'll give you one of them. She even admitted, when she was talking to the committee later on, that she hadn't told the whole truth about the circumstances to her advocate, Peter Weiss, and that's in the paperwork. She admitted on multiple occasions that she has used lying as a protective mechanism, compensatory mechanism, whatever. It's her own words.

....

The fact that she's choosing, in a profession where honesty is one of the most important and fundamental tenants[sic] of our profession -- it's the same as the legal system. You want lawyers that are honest. You want judges that are honest. Your whole system falls apart when dishonesty moves in and takes charge, and she has chosen, as a compensatory mechanism, to use dishonesty.

....

This is not a little white lie. This is someone who is attacking the very basic tenant of being a physician, and if you don't believe that, next time you go to your doctor and you get bad news from the doctor, and the doctor says to you, "Attorney, you need open-heart surgery," do you want to be able to trust what you're hearing, and trust the person who's saying that to you, or not?

....

What I'm telling you is that being honest and telling the truth is a fundamental tenant of being a physician, and when you start to -- and to repeatedly not do that, we get on very shaky ground.

Ex. H at 27:2-24, 28:6-30:3; Elias Errata Sheet (also at Ex. H).

151. In addition, Dean Elias testified as follows at his deposition: "This is not an issue of a physical ailment versus [REDACTED]. This is a medical student lying about a cardinal examination that you have to take during medical school, and lying to your superior in the process. To me, that's a very big deal. That's a very, very big deal." Ex. H at 45:17-22.

152. In addition, Dean Elias testified as follows at his deposition:

I had no problem with her taking a leave of absence to deal with her mental health issues. What I could not do was convince myself, or have anybody convince me, that her [REDACTED] had anything to do with her dishonesty, and the lying that had been a repeated facet of her life and how she dealt with everybody, was going to be eliminated. I have a responsibility. When I train a student and put them out into the world, I have a responsibility of being comfortable that I'm training a quality physician who is honest and who has integrity, and will go out of their way to deal with the holy covenant that they have between doctor and patient. I could not get convinced that I could put the Brown seal of approval on this young lady, and send her out into the world as a physician.

Ex. H at 56:8-23; Elias Errata Sheet (also at Ex. H).

BROWN UNIVERSITY,

By its Attorneys,

/s/ Joseph D. Whelan

/s/ Timothy K. Baldwin

/s/ Christopher N. Dawson _____

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December 5, 2023

**INDEX OF EXHIBITS TO STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	'16-'17 Brown AMS Handbook
B	'17-'18 Brown AMS Handbook
C	'18-'19 Brown AMS Handbook
D	Doe’s Complaint
E	Brown’s Answer to Complaint
F	Doe’s Cited to Deposition Pages
G	██████████ Cited to Deposition Pages
H	Elias’ Cited to Deposition Pages
I	██████████ Medical Records
J	Brown Health Service’s Medical Records
K	Doe’s Cited to Pages from Document Production
L	Brown’s Cited to Pages from Document Production
M	Doe’s Letter to Hiring Manager Re: Business Analyst Position
N	Doe’s Leave of Absence (LOA) Application Form 07/17/18
O	Doe’s Timeline
P	06/12/2018 Email String between Doe and Morang
Q	06/15/2018 Email String between Doe and ██████████
R	Brown’s Discrimination and Harassment Policy 2016
S	Plaintiff’s Supplemental Response to Defendant’s Second Set of Requests for Production

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2023, a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Timothy K. Baldwin

Date: December 5, 2023

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